

REMARKS

Claims 46-51 and 67-73 are pending. Claims 52-66 and 75-92 have been cancelled without prejudice or disclaimer as to Applicants' right to pursue the subject matter in a continuing application. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

In the Specification

The Specification was object to because the specification contained numerous tables which appeared to be Figures. In an Amendment filed on February 19, 2003, Applicants submitted new drawings for these tables and a marked-up copy of a substitute specification. The new drawings were approved as indicated in the March 20, 2003 Amendment. Enclosed herewith is a clean copy of the marked-up specification submitted on February 19, 2003. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

Claim Rejections Under 35 U.S.C. § 102

Claims 46-50 and 72-73 were rejected under 35 U.S.C. § 102(e) over Widl (U.S. Patent No. 5,721,678). Applicant respectfully traverses this rejection.

Claims 46 recites, in part, a charge processing device which includes a receiving means for receiving toll data and a generating means for generating, based on a result of a deciding by a deciding means, charge information for the moving body, by using the received toll data. In contrast, Widl discloses (column 4, lines 57-67) that the use rates are stored on the mobile storage medium and that individual toll cards may be issued for different vehicle types to accommodate different sets of charges. Widl does not teach generating charge information by using received toll data. Accordingly, Widl does not teach a charge processing device which includes a receiving means for receiving toll data and a generating means for generating, based on a result of a deciding by a deciding means, charge information for the moving body, by using the received toll data, as recited in claim 46.

Claim 50 recites, in part, a charge processing system which includes a transceiving means for, by wireless communication, transmitting position information of the moving body to a ground station. In contrast, Widl discloses that the position detection system receives the geographical position of the data. Widl does not disclose that the position information is transmitted to a ground station from the moving body. Accordingly, Widl does not teach a

charge processing system which includes a transceiving means for, by wireless communication, transmitting position information of the moving body to a ground station, as recited in claim 50.

Claim 72 recites, in part, a charge processing device which includes a toll card capable of being inserted and removed for storing a predetermined area in which a charge is applied which area is set based on predetermined map information. In contrast, Widl discloses that a second storage device 14 for permanent storage stores predetermined geographical positions. Additionally, Widl discloses a highway toll card for storing use credit. Widl does not teach a toll card for storing a predetermined area in which a charge is applied. Accordingly, Widl does not teach a charge processing device which includes a toll card capable of being inserted and removed for storing a predetermined area in which a charge is applied which area is set based on predetermined map information, as recited in claim 72.

Claims 47-49 and 73 are believed allowable for at least the reasons presented above with respect to claims 46 and 72 by virtue of their dependence upon claims 46 and 72. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 51 and 67-71 were rejected under 35 U.S.C. § 103(a) over Widl. Applicants respectfully traverse this rejection.

Claims 67 and 70 recite, in part, a charge processing device or system which includes a transmitting means for transmitting charge history of the charge information generated by the making means to a ground station. In contrast, Widl discloses that use subject to charges are determined and calculated in the vehicle and that and are only stored temporarily (column 5, lines 55-65). Widl further discloses (column 6, lines 1-10) that special logging devices for documenting traveled distances may be provided, when necessary. Widl does not teach or suggest transmitting charge history to a ground station. Accordingly, Widl does not teach or suggest a charge processing device or system which includes a transmitting means for transmitting charge history of the charge information generated by the making means to a ground station, as recited in claims 67 and 70.

Claims 51, 68, 69, and 71 are believed allowable for at least the reasons presented above with respect to claims 50, 67, and 70 by virtue of their dependence upon claims 50, 67, and 70. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicant also traverses the 35 U.S.C. § 103(a) rejection because the Office Action (on page 11 and 13) admitted that none of the references teach the use of an IC card for making toll payments and that none of the references teaches transmitting data to a ground station. The Office Action took "Official Notice" of the use of an IC card for making toll payments and transmitting data to a ground station and asserted that these features are "well known."

Applicant traverses this Official Notice and respectfully requests that the Office provide references that support this characterization of the features as "well known" so that the Applicant can assess the teachings of such references, if any, and determine whether they are combinable with the prior art of record. See MPEP § 2144.03.

Conclusion

In view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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